

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, June 20, 2006 4:00 PM

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg, and Yarnevich

MEMBERS

ABSENT: Weisel

STAFF

PRESENT: Andrew, Burger, Herrs, Jeanfreau and Johnson

Item #1. Approval of the minutes of the regular meeting held on June 6, 2006.

The minutes of the June 6, 2006 meeting were approved as presented.

Item #2. Application #CU06-5, filed by Tina Reed, requesting approval of a Conditional Use Permit to operate a group day care home in an R-3 (Multi-Family Residential) district. The subject property is legally described as the East ½ of Lot 3 in Surveyors Plat B in the City of Salina, Saline County, Kansas and addressed as 515 State Street.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Simpson asked any questions of the staff? Would the applicant care to address the Commission please? Is there anything you would like to add to the staff report or any other comments you wish to make?

Tina Reed, 515 State Street, stated no I don't.

Mr. Simpson asked any questions of the applicant? Okay, thank you. Is there any member of the public who would like to address this application? Please come forward and state your name and address please.

Phyllis Mansfield, 517 W. State Street, Apt. B stated my question is they don't have access other than the street itself and they use our driveway, they block our driveway, some of their people that pick up their kids, we've had kids come out of there and fall in our driveway when we're coming in and out. People walking out by that bush that's right in front by the tree, that one, it blocks our view when we're backing out of the driveway and we've almost backed over parents that have come out of there and I just feel like the more kids there are the more problem that's going to be.

Mr. Simpson stated okay.

Terry Smith, 517 W. State Street, stated I'm the owner at 517 State. They are blocking our driveway, pulling up in our driveway, I've had my kids late for school because they're in my driveway. My son almost hit a kid because he come out throwing a fit and was on this side of the bush. My son was coming from the street getting ready to pull in, but the kid was on that side of the bush throwing a fit and my son, you know with our driveway being the way it is and the bush there, almost hit him.

Mrs. Yarnevich asked would removal of the bush, if that were required,

eliminate some of this concern that you have?

Ms. Smith stated very little because our driveway is narrow. I drive a van and it's a straight driveway, there's no curve to it at all.

Ms. Reed stated it does go out the back and the front.

Ms. Smith stated he parks back there.

Mr. Simpson asked it goes to an alleyway at the back?

Ms. Mansfield stated we also have three vehicles parked in that driveway.

Mr. Andrew asked is the bush on your property or is the bush at 515?

Ms. Reed stated that I don't know whose property it is on. If it is ours we will gladly cut it down.

Ms. Smith stated that still doesn't solve the problem of them using our driveway or blocking our driveway. I've even put signs out, it don't help.

Ms. Reed stated I have always requested of the parents not to use anyone else's driveway. If they do, I don't have knowledge or if I've seen them I have told them, "please do not park there."

Ms. Smith stated there's been many times my kids, you know I'm taking them to school and late because they're blocking my driveway. Sure I can call the cops and have them move it, but by the time you call the cops you know, they're gone.

Mr. Simpson stated as I understand your driveway goes all the way through to the alley so you have an egress out that way.

Ms. Smith stated it does but there's two cars parked back there, you can't go through.

Ms. Mansfield stated there's three of us that park back there and we go to work at different times.

Mr. Simpson stated okay, so the driveway is not accessible through all of the time?

Ms. Smith stated no not all the time.

Mr. Simpson stated okay, any other comments or questions? Thank you. Would anyone else care to comment on this application? There appears to be none, so we'll bring it back to the Commission for discussion and action.

Mr. Andrew stated one thing we can suggest is that the city does have a minimum vision clearance at intersections ordinance, and so we can have our code enforcement folks go out and look at that and see if the bush actually is an obstruction, that regardless of whether there was a day care there or not would it be blocking your ability to see up and down State Street if you're backing out. That would be one thing. I don't really have anything to offer or suggest about improper use of a driveway other than posting of signs and also having the day care provider give out flyers or information to their parents asking them not to park there while awaiting pickup.

Mrs. Yarnevich asked as I understand it, this is an increase of two children?

Ms. Andrew stated this would authorize up to twelve children to be there at one time. It's primarily beneficial for day care providers who do have children in shifts and keeps them from going over the maximum amount at any one time, but it also does require that you have someone there to assist you so that there's at least two helpers for that number of children. So that's really the two impacts, the two impacts are that you could have somebody coming from outside the day care home to provide assistance which means they have to be accounted for as to parking. The other impact is a slight increase in the number of children that would be there at any given time.

Mr. Funk asked how many children are currently being cared for there?

Ms. Reed stated I have up to ten enrollments but I have a lot of part-time and drop-in children.

Mrs. Bonilla-Baker asked where do you park?

Ms. Reed stated I park in the back. At times I do park in the front, that's my car there. There's room for three parking in the back. My husband leaves at six o'clock in the morning, between 6:00 and 6:30 every morning, and I do not have any children generally come in except for my grandson possibly before 8 a.m.

Mrs. Bonilla-Baker asked is there access from your car to the back of the house?

Ms. Reed stated yes there is.

Mrs. Bonilla-Baker asked could they go through that way in order to avoid doing it at the front?

Ms. Reed stated I can ask the parents to do that, that wouldn't be a problem.

Ms. Mansfield stated I think that would be more safety than them coming off of their steps and they usually come down her steps and then through to the driveway and then down our driveway.

Ms. Smith stated well the step on the side of the curb it's very high.

Ms. Mansfield stated they're very high curbs, there like 12-14 inches tall but they come out from behind that bush and when we're backing out, we don't see who's coming from behind that bush until it's too late.

Mrs. Bonilla-Baker asked well do the kids usually play out front or the back?

Ms. Smith stated no out back. She doesn't have them out front.

Mrs. Bonilla-Baker asked so the problem is usually when they're just getting picked up?

Ms. Mansfield stated when they're loading and unloading.

Ms. Reed stated it's not going to be a problem for me to put out flyers asking here instead after 8 a.m. please drop them in the back, because as I said, my grandson sometimes comes early in the morning. My son has a key to the front door and he comes and goes through my front door and not my back door.

Mr. Simpson stated if you all could work that out it would seem like a logical process regardless.

Ms. Smith stated when my kids get dropped off at school before 8 a.m., I'm leaving at 6:30 and I'm leaving at 7:30.

Ms. Reed stated well I don't have anyone come before 8:00.

Mr. Simpson stated yes then that shouldn't be a problem.

Ms. Reed stated but I can ask all parents. I'm just asking for an exception for my grandson because as I said my son will come in and sometimes I'm not up and he'll come in and say, "hey Mom I'm here" because sometimes he doesn't drop him off until ten o'clock in the morning, so I just give him a key so that if he does come in, because I hear him unlock the door.

Mr. Simpson asked any other questions or comments?

Mrs. Yarnevich asked how many drive up curb spaces are there?

Ms. Reed stated there are two in front of our house directly in front. There is enough for my husband to park his minivan and for me to park a Concorde between the two drives.

Mrs. Yarnevich asked and neither one of those driveways belong to you?

Ms. Reed stated no. The one on the lefthand side in front of the PT Cruiser belongs to 513 State Street.

Mr. Simpson asked any other questions or comments?

MOTION: Mrs. Soderberg stated Mr. Chairman I would hope that the neighbors can work out their issues and I would move that we approve the application subject to the final inspection by the fire department and that no more than 12 children be cared for at any one time.

SECOND: Mrs. Bonilla-Baker

VOTE: Motion Carried (8-0).

Item #4. Application #Z06-5, filed by Monty Gilliam, dba Prime Property, requesting a change in zoning district classification from R-1 (Single-Family Residential) district to R-3 (Multi-Family Residential) district to allow the former Shalimar Plaza Nursing Home to be converted to an apartment building. The subject property is legally described as Lot 3, except the Northeast 3 feet thereof, and all of Lots 8-14, Block 11 of the Shalimar Plaza Addition to the City of Salina, Saline County, Kansas and addressed as 2054 Lambertson Lane.

Mr. Andrew presented the staff report which is contained in the case file.
Mr. Simpson asked are there questions of Dean or of staff?

Mrs. Soderberg asked if the structure were removed how many single-family dwellings would fit on that space?

Mr. Andrew stated well I think it occupies roughly six or actually seven platted lots. It occupies Lots 8-14 on the Lambertson Lane side and then it also occupies a lot that extends through to Corsaut Court which is Lot 3. So if you just kind of line them up you have a lot there, a lot here would be 2, 3, it disappears, but you could project this here would be 4, this would be 5,

probably 6, and then 7 and then you have, this is kind of a lot here minus three feet. Historically what that was used for was deliveries, and also that garage building served as a laundry for the nursing home that operated there, and so that is part of the nursing home site and that building was used primarily as an accessory laundry building to the nursing home operation.

Mr. Funk asked that particular lot could be removed from this consideration and just leave it at R-1 couldn't it?

Mr. Andrew stated it could be. What I suggested to the applicant is that if they had any plans, I mean the applicant bought that lot, so if they had any plans for making it part of the site they should include it in their application. There is a gravel driveway that kind of comes in there. I said that I think it was primarily used for delivery and laundry trucks, but probably the only benefit of that might be as an egress for emergency vehicles such as fire trucks or things like that because it is the backside of this building. It's pretty inaccessible in terms of getting coverage from a fire protection standpoint just because of length of the building, and so the only advantage to that would be if the fire department deemed that was wide enough back there and that it would be beneficial to get coverage to the backside of the building. It would not be our recommendation for that to be part of the regular in and out access to parking or anything, it wouldn't be needed for that purpose. I think the applicant would be in a better position to speak to their plans for that.

Mr. Funk asked that gravel road behind that building is not an alley is it, it's just a utility easement?

Mr. Andrew stated it's on private property, it kind of goes over a utility easement but I think it was used for deliveries and perhaps to a point for emergency access.

Mr. Simpson asked any questions of staff at this point? If not, would the applicant or their representative please address the Commission? Your name and address please.

Charles Renz, Jones-Gillam Architects. We are here representing Prime Property about the development of this property. I have just a few things I guess to embellish on what Dean had to say here. We feel like as an existing building, an adaptive re-use of this building to convert it to residential is the most compatible use of the building for the surrounding area. John, if you could show the site building plan I would appreciate that. I would like to just point out that the intent of the design at this point is to develop 12 residential units within the existing building to create access to each of those units off of the front of the building on Lambertson Lane. One of the initial studies that we had regarding this project involved making sure that this site was compatible for the parking that would be required. So there are two existing curb cuts down here at the north end. In that area we were able to provide for 14 parking spaces. Similarly, at what I'll call the south end there I guess, we are proposing new parking again for 14 cars. Now with the existing building and the 12 units, there's a requirement, there's a city ordinance requirement for 24 parking spaces. The owner did want to try and provide a few more. He does want to maintain a nice appearance to this facility and limit if not restrict the parking access off of or on Lambertson Lane. So we're trying to have some overflow parking right there to again maintain a nice appearance to the building. Each unit, as I said the intent of each unit is to create nicer, more upscale rental units for young couples, young professionals. The intended rent per month is right now assumed to be around \$650 a month. So he is looking at putting in nice finishes, doing a

nice job trying to be a good neighbor at this property. I would like to point out regarding the R-3 occupancy and staff concerns for the potential that more units could be added at some time, with the number of units that would be added, more parking would have to be added too, so as you can see back at the site plan, the site really does not have that much more space to increase the amount of parking. So at this time the intent of the owner, he is limited to the 12 units right here. He would be accepting to a lesser zoning of R-2.5, something which would put some requirements as far as how many units could be added to this site. Another thing I would like to point out on the site was there was a question regarding how many single-family lots could be placed on this site. Well I guess first of all to develop this into single-family lots would be disastrous to the owner. There's just not the potential to make the money necessary to make this a feasible project in doing that. This south lot, my pointer just burned out, I would also like to point out as far as I guess the ability to develop that site as a seventh lot is restricted. There is a 25 foot building setback off of the two main streets that lot would front, so there would be some real limitations to the value of that site as well as the development of that site. Some other things that I would like to point out from the owner, like I said, each of these entries is at the front of the building.

He is giving consideration to a nice outdoor patio off the backside of the facility. There was some questions about the gravel drive. Right now he has indicated his intent is to eliminate that drive out of the back and develop that into more yard space. Also, the building in this kind of stand alone lot over here, there are no plans for that building at this time. He would like the availability to maybe develop that into some sort of space for the tenants, perhaps a little rec room, a gym, something like that, something that would be related to these units. As far as the appearance of the neighborhood, it is the intent to have this area professionally landscaped, professionally maintained. It will be his responsibility to do that. Also, just as far as the value of this building, the value of this facility to the neighborhood, the development of this property would increase the value of this building significantly. I think the current valuation is less than \$200,000 and with this upgrade it is estimated the value of this building would be up over \$700,000.

So there is the intent of really developing this into a nice facility and I hope that you will approve the R-3 zoning. Are there any questions?

Mr. Ritter asked in some of the letters there are as references to subsidized and low-income, is the developer applying for tax subsidies to provide this?

Mr. Renz stated no every indication that's been given to me, I've asked the question, this is privately funded.

Mrs. Soderberg asked how big are these apartments?

Mr. Renz stated for the most part the average unit, for instance, this is a kind of a proposed standard unit right here. It's about 750 square feet. There are a couple of unique spaces right over here which we are trying to develop maybe a three-bedroom space in the center core of that area is a little bit bigger. We get down to the end and it appears that this was sort of a separate addition that was maybe done at a later date. So with bearing walls and things, you know we were kind of working within the constraints, so there we have probably one one-bedroom, basically one three-bedroom, the rest two-bedroom around the 750 square foot range.

Mr. Funk asked there's no basement space under that?

Mr. Renz stated there is. The way this is set up, this area right here is the basement which corresponds to this central area right here. There is some mechanical space on each side and then going out each wing is crawlspace.

Mrs. Soderberg asked is it structurally possible to go up, build a second story for instance?

Mr. Renz stated he has hired a structural engineer who has evaluated the building and looked at it, but I can say that there is no intent to do that and my first guess based on what I've seen of the building, I'd say no. I would say no it is not possible to take that building and go up another story.

Mrs. Soderberg asked and how many parking spaces could you get on that lot that you talked about they are not going to be using right now but may in the future?

Mr. Renz stated you know we did a study for somebody else who was looking at that facility a long time ago, I think the most we could probably get is six. Now there is a garage on that site and we could only single load based on the width of that, we could only single load the parking so we would have to have adequate drive space, adequate turnaround space you know to do that. So if I recall correctly, it's been a long time but I think six is about the number.

Mr. Simpson asked any other questions of the applicant at this moment? We will invite public comment on this application. Let me say initially, in our packet we have received I think letters from each of you that have written letters opposing this application. Also, there's a signed petition opposing the application. We want to give everybody an opportunity to voice their concerns and thoughts and so forth about the application. However, I would request that if you have written a letter, please don't read the letter again, we've had an opportunity to read everything and if you could just highlight your concerns as you address the Commission. I'm going to ask that each of you come to the microphone, state your name and address please for our records, and also we can't interchange conversations between the microphone and the audience because the microphone doesn't pick it up, we're unable to record the comments that you have. It also plays havoc with access television trying to get what your concerns are voiced out over that media. So at this time then I would welcome anyone who wishes to address the application and again give us your name and address.

Shirley Gawith, 1211 Sarah Lane, stated as we stated in our letter, we have lived at our address for 37 years. We have a number of neighbors in the neighborhood who have lived there that long or longer so it's a very quiet, established neighborhood. It's a wonderful neighborhood and probably a lot of you don't even know where this area is because it's kind of off the beaten path. That's why we like it. That's why families like it. We know each other on a first name basis in a two or three block area. If you allow this to be rezoned for multi-family dwellings it's going to drastically change the whole character of the neighborhood. If it's rezoned our property which is the south lot that they're talking about, is going to be turned into a parking lot. That's our backyard. I talked to Mr. Andrew, he said that they have to put up a six foot wooden fence to block that off. Today he says it could be a hedge. Okay I know you know what trash looks like in a hedge and that's not going to be a pretty site looking from our deck onto that. We are going to be affected by a lot of car noise, people noise. We are going to have lights shining in our bedroom window because it's right on that side. By looking at the proposed sketch from Mr. Andrew, it also showed a commercial trash dumpster and that's going to be set right by our deck. I mean all that's going to be there is that wooden fence or the hedge. So we're going to be dealing with foul smells, trash and bugs. We're no longer going to be able to sit on our deck and enjoy the solitude of this neighborhood. I know you have

talked about this, but we really feel that the alternative that would be more beneficial to our neighborhood and to the city would be to sell these lots for single-family dwellings, to tear this building down. The city is going to generate more revenue from taxes from the number of houses that could be in there and we're certainly going to welcome five to six new families into the neighborhood versus 12 or more families. As I said, our lot is on the south and this gentleman just said that it's not feasible to make a single-family dwelling on that lot, there'd be restrictions to that. We have tried for a number of years to buy that lot to protect our property and we would be willing to buy that lot if that could happen. I was in the office last week of the Planning Commission and I read the Commission's statement which states that you "encourage and promote safe, quality development and construction in the city of Salina". Keep this statement in mind as you think about the safety of the children in this neighborhood with added traffic. You are talking 24 more spaces to park cars in, 12 more families, two cars a piece, people coming and going to visit. We've got a number of children in the neighborhood right at the end where that parking lot will be on the north end. I want you to keep your statement in mind as you think about the quality development of this proposed 45-year-old building. It's got sewer problems, it's got mold, it's got asbestos issues. With you mission statement in mind, how can you in good conscience vote to approve this? We ask that you vote no to rezoning this property and to leave it as an R-1. Thank you.

Mr. Simpson stated thank you.

Cindy Larson, 2063 Lamberton Lane stated before I start, I have more letters that I want to address to you and also, I went around with another petition not only including the 41 people that were in the 200 foot radius of the nursing home, but all the way in our community which consists of 73 properties. Even the people outside of the area but yet in our community are against that. I went to 56 homes and was able to contact people. Fifty three people are against it. Two people are for the development of the nursing home and one person could not say anything due to being on the Commission himself. So anyway, I live roughly across the street from the nursing home and I didn't buy my house there, I bought the lot ten years ago and built my home in that neighborhood because it is away from the hustle and bustle of everything, nobody even knows where it is. Three-fourths of the people have no idea, I have to give directions to everybody. I have little kids, I do foster care, I do police protective custody. They love me because nobody can find me so the kids are extremely safe. We have numerous day care parents in the area, so there's a lot of kids there. A lot of kids, if you ever drive by there they're always riding up and down the streets on the sidewalk. My little girl, sometimes her little coupe goes down the driveway and it's out in the street, I know she's going to be safe because people are considerate in that area. They drive 10-15 miles an hour, well below the speed limit, because they know it's a family oriented, child-safe place, there's a lot of kids. I don't see any buffer zone in that area, you know setback for that. Another concern of mine is there's only two outlets there to Ohio. One of them has a light and one of them doesn't. Where's all this extra traffic, what's that going to create, what's that going to do? What about the parking for their visitors? You can't tell me that family or friends aren't going to stop by or is that going to be in my front yard, is that going to be a permanent fixture of my front yard is all lined up with numerous vehicles every day? We just have big concerns. We like the single family residence. A multi-family unit is just going to offset the neighborhood and we've got concerns for noise, lights, pollution, traffic, what kind of ruffraff is it going to bring in, just a variety of concerns and I want you to vote no when they ask what you want to do.

Mr. Simpson stated if you want to leave those with the secretary please, you know she can get those copies to us.

Mr. Funk stated can I ask how wide is Lambertson Lane? Is that just a residential street, 31 feet?

Mr. Andrew stated I think it's a standard street with 60 feet of right-of-way and 33 feet of paving.

Mr. Funk asked and currently parking is permitted on both sides?

Mr. Larson stated Dean I think the street is five feet narrower than a normal street due to when George Etherington developed that as a neighborhood development, and it's five feet narrower.

Mr. Simpson asked okay could you give us your name and address please?

Mr. Larson asked pardon?

Mr. Simpson stated name and address please.

Harold Larson, 118 S. Eastmoor Drive, stated the Shalimar Plaza Addition is approximately 75 R-1 single family dwellings there, plus eight of the nursing home. The owners we've submitted our own petition on the thing of the 200 foot notice. There's 39 of us that signed it of the 44 lots that are concerned. There's also approximately 20 letters that you folks have received in the Planning office rejecting this for various reasons and so forth. We also, as Cindy had said, put out another petition that we wanted on hand that there is approximately 60 people that have signed it of the 75 R-1 single family dwellings, of the lot owners. The proposed apartment complex like you mentioned, and the only thing we've seen shown is 12 apartments outside and they've got outside entrances. After talking to the project manager or the guy doing the remodeling and so forth over there, he's talking about outside entrances leading to Lambertson Lane in lieu of coming back directly to the parking lots. It goes from the rentals out to the sidewalk. Well in that case you got 12 people that are coming and going and if they're anything like me, I would walk to the street and park my car, not to the parking lot. They are going to do the same thing. If they got two people per apartment they also got a live-in boyfriend or a live-in girlfriend or a friend that's just staying there, that's a third car, one of their cars ain't running, and then they got a couple of guys coming by for a party that night or to listen to music or do whatever they want to, then we're out into the street and the narrow Lambertson Lane is congested, both sides and you're going to be in and out to get by everything. There is a duplex down the street and around the corner which is in a buffer zone. It's a duplex, two bedroom, Dean, at the end of Lambertson Lane and around just right across the street from the Gawith's right there is a duplex on the thing and across the street is two duplexes again. This is a picture of it. I don't think you can put it up on the screen can ya? But anyway, that duplex on the north side there's two girlfriends living in the thing and they've got a live-in boyfriend, that's three in a duplex. A little over a month and a half ago one of them moved out. That was, the move out, we don't know if it was the individual moved out or the tenant, or the owner of the duplex moved them out, but all their remains and the trash and stuff is on the curb out on the thing.

Mr. Simpson asked still there?

Mr. Larson stated that's not too good for our neighborhood an R-1 zoning.

Mr. Simpson asked is it still there?

Mr. Larson asked pardon?

Mr. Simpson asked is it still there?

Mr. Larson stated no, like I mentioned that was 2 ½ weeks ago.

Mrs. Yarnevich asked so the trash service picked it up on the regular date?

Mr. Larson stated no, they had to call, we didn't know who it was that called, we didn't know, we tried to find out. The nursing home, I knew the manager and I used to be a contractor and he approached me for some repair work on the nursing home. This was seven years ago and his concern was after a storm, shingles needed to be taken off and the roof rafters, the trusses were sagging after 45 years. It's an eight-inch block wall on the outside, it's got a 12-inch wide foundation trenched three feet deep excluding the basement which is eight feet deep around the thing. There are structural cracks in the wall around the windows, down the walls, patched and repatched. The roof he was concerned about was, the sheeting had been wet then dry-rotted and the shingles were replaced and they replaced about 20 sheets, but there was still a lot of areas that needed to be replaced and he didn't have enough money to do it. They should of in a sense, he had a structural engineer, a truss company, come out and look at the trusses and they had a six-inch sag from the ridge down to the bearing of the thing and they needed to be re-enforced and how would they go about doing it, and he didn't have enough money to do it, and so it was just left. The front of the building has been for the last year and I don't know how long Gilliam has owned the thing, they got storm trash in the street, we got broken sidewalks, we got water trash, roof damage and unkept lawns. Nobody said anything about what they're going to do to the extent of that building right out there. Right in the front of that right down there is water in the thing. You can see it in your picture on the thing. There's been on site trash for over a month, the storm damage that nobody's taken care of, in the back, in the rear of the building where that crushed rock driveway is on the back of the thing, the maintenance guy who is doing to construction on the thing said, "well if we got too much parking, we can put it on the backside here and keep it and make a loop along with them patios that they were talking about". I don't think it's quite right, if it is crushed rock it don't meet City specifications and there's no indication that they would do it on the thing, pave the access, and like you said for the fire department or anybody else on the thing. They're planning on something more than parking. Trash, there is a lot of trash around it in the back with nobody taking care of it, furniture outside, dumpsters, there's all kinds of junk that they just left and these pictures were taken in the last three days and leaving their trash. Like Gawiths mentioned, the high winds that we've had in the last week, they have been picking up their yard all week. The apartment, Dean mentioned there's a six-plex and an eight-plex on down over at the north end of the thing and coming into the R way up at the top up there on the lefthand side of the map. That's a six up there and a four on the bottom. We took a picture of this and two weeks ago was move out again on them apartments. The Gawiths live on the corner of the thing. Their yard and everything is very well kept, very attractive. The back that they mentioned about that, oh on the corner there of the lot that can't be a lot, in a sense they've mowed the thing the last two years and even before that they maintained it with John, that was the manager of the Shalimar Nursing Home. The value of their house is some place around \$148,750, that was the value that they're paying taxes on. I got to more of 'em on Lambertson Lane that are directly across from the nursing home. One value is \$148,500, the other one's \$149,900. One owner has lived there for 26 years and the

other one for 10.

Mr. Simpson stated pictures are fine but we need to move this along. If you have some more information you would like to give to the Commission that relates to the application.

Mr. Larson stated I'm pretty close, but what I'm trying to get at is that there's a value of the houses in the neighborhood and I don't know if you guys have had time to drive by and up and down the street? Some do, some don't. There is well kept neighborhoods and this is one of them. As I was knocking on doors on this, three out of five people have children, two are basically retired or getting into their retired age. These are the certain people that are concerned on the thing. The nursing home, Gilliam, we contacted him, this has been, not Gilliam but Stuart Etherington, over a year and a half ago concerning it because somebody was wanting to turn it into an alcohol rehab center of the thing, what would it have to do. Well the biggest thing, and they did talk with Dean as I understand, the biggest thing of it was they would have to do too much and too much remodeling, the roof structure, the wall structures, the walls inside had to be redone, they don't meet code, the wood structure does not meet code, the foundation in a sense, and if they put additions on then they would have to update part of that. The windows are single pane not thermopane, this is 45 years ago.

Mr. Simpson stated these are all issues, Mr. Larson, that would be addressed by the applicant if the building were redone.

Mr. Larson stated he hasn't said what he's going to do in a sense that's why I'm bringing this up so it couldn't be just openly voted on.

Mr. Simpson stated we're aware of that. I would request you wrap up your presentation because I'm sure others would like to have the opportunity to speak.

Mr. Larson stated okay, one more thing, it was mentioned that there's an alternative for the nursing home to be demolished, there's eight lots in the thing, the general purchase price was around \$100,000, an individual tearing it down is around \$40,000, there's \$15,000 worth of asbestos that's gotta be removed from it, you build a new building, divide up your eight lots to the thing, it's feasible to build and sell right around a \$140,000 house in the neighborhood of the thing. It would work, we do have a builder and another one in the audience that would jump at the chance to do something like that.

So this ain't just a one set deal of an apartment complex and shoving it into a neighborhood, a well-kept neighborhood. Thank you.

Mrs. Yarnevich stated I just have a question. What you're saying is the person who wants to tear it down and build eight houses has approached or tried to buy the lot at anytime, or is now willing to buy the lots?

Mr. Larson stated they are willing now. We approached them a long time ago, this has been a little over a year ago, Stuart Etherington about it, but he was set on \$340,000 for the building then he was set on \$240,000 and he dropped it down. Then I understand Gilliam bought the nursing home for around \$100,000 and he could sell it to us and make a profit and walk away from it. It is feasible and it is workable.

Kris Johnson, 919 Sunrise, stated I represent Prime Property. Some of the things that he mentioned that I wanted to go over is, I don't know where he gets his financial information, but it was well over a \$200,000 purchase for the property. You know we bought the property because of the

neighborhood. We take great pride in our properties and our intent is to make really nice townhomes and we do want to respect the neighbors and their wishes, but it has to be logical too. Tearing down this property would be financial ruin for us and I just want to point that out. They were talking about parking on the street, it was our intent to push the City to try and get no parking signs put up in front of the, well now the nursing home, to make sure the residents do not park on the street. All codes will be met. Do you have any more questions for me?

Mrs. Yarnevich asked for a 750 square foot apartment, is \$650 a month considered low-income housing?

Ms. Johnson stated no because they're not two townhomes together, they're not single-family homes, but we are going to put high end, we are going to put really nice things in there. It is our goal to make them as nice as possible to bring in the people that would fit in that neighborhood.

Mrs. Bonilla-Baker asked would there be someone living there permanently that tenants can go to?

Ms. Johnson stated my office will be there as well. They have plans to put my office there so I'll be there on a regular basis.

Melissa Bridson, 2045 Mission Road, stated I am on the current driveway and my property faces that driveway. She has stated that she was wanting to put no parking signs on Lambertson Lane but that does not take away from my property being on the end. People will park there. When we had the auction going on, we couldn't even get into our driveway that's how bad it was and that's what we think is going to be the future if this property goes through. I have a 3-year-old daughter and a 9-year-old son. When we purchased this house my son was 2. My son was an escape artist I'll just put it that way, and he could get out of my house without me knowing and he would be down the street. I didn't worry, I knew my neighbors, I knew that if they saw my son out probably one, they knew I didn't know he was out and they went after him and they got him and they brought him home to me. I never worried. Same with my daughter 3. She can walk down that neighborhood and I know she's going to go so many houses. She knows where she can go, she knows where her friends are and I know. I know with all my heart that she is protected and she is taken care of, that somebody is watching her if I'm not right there standing with her. I'm not going to feel that safety if we have apartments in this area. I'm not going to feel that my daughter can walk down the sidewalk and if she were to go into the street without my knowledge, I'm not, with added traffic I'm afraid that she's going to get hit by a car. You know I worry about my son's things. We're not great about putting our bikes away at night as most kids aren't. Are they going to get stolen? I don't want my safe, nice, quiet neighborhood that I worked so hard to get a nice neighborhood, I don't want that ruined. I don't think apartment complexes in this area is going to add to my property value, it's going to add to my neighborhood. It's not going to be beautiful, it's going to be apartments, and townhomes, I'm sorry I don't see that at all as being what they are putting in there, they're apartments, 700 square feet doesn't make a townhome in my opinion. Thank you.

Ron Kreigh, 2044 Mission Road, stated it's right next to the, we'll call the north end of the parking lot. I have property backed up to that parking lot. I've lived there since 1970. There was a picture there a little while ago that showed my house. I do have a six-foot wood fence next to this property and I put pampas grass out there as a buffer zone on it, and the more traffic we had with the nursing home employees and some business traffic coming out

of there, we were woke up quite a bit late at night, early in the morning. If they go in there and put this parking lot with apartments on each end of that thing, we all know that Americans are lazy, they're not going to park at the end of the building and walk a half block diagonal, they're going to park by the sidewalk, they're going to be blocking the neighbors on this side of the street. It's just a traffic hazard. I am retired from the fire department here in Salina. As a retired firefighter, narrow streets like that, it is tough to get emergency equipment in and out of there. Added traffic in that area, that is a main concern. Thank you.

Tresha Hoover, 2075 Shalimar, stated our property is right next door to Gawith's which is the two properties of this block that are actually located on Shalimar. When you were going through some of the pictures where the access, what you guys were referring to as an alley comes in and goes towards the other direction. If you can show the backside, okay right there, where the trash dumpster is right there, where's a chain link fence that you can see that runs across back behind there. That is my backyard. It is close enough for my son to stand on my steps of my patio door and throw a tennis ball and actually reach the nursing home as it is now. The Gawiths who live right next door to us, they are just as close in proximity to this building, I'm not talking property I'm talking building, as we are. Just since it's changed hands of ownership, we've dealt with the trash as other people have mentioned and a lot of other common things. The house that is directly behind us which is right at the top of the screen, these three houses are so close to this building that it's almost like it's one yard, I mean there are fences, there are things like that, that you know separate them, but our community in this area is so tight that that's how close it is. Some of the folks have already spoken and I'm sure have addressed in some of the letters have talked about the increase in traffic. I live at that corner. Anything coming in to that nursing home, nine times out of ten comes down my street. I've lived there for 12 years. I've raised, I have a senior in high school and a freshman, and I have a fourth grader at Stewart Elementary. I'm in the education field and one of the things that mainly concerns me the most is that if you make this an R-3 and you add this many families, because they're going to be multi-bedroom, I mean two-bedroom, it sounded like there's only one apartment that was going to be a one-bedroom complex. You're assuming that the people that are going to be moving into a two-bedroom or three-bedroom apartment are going to have children, okay. Part of my taxes and everyone else's in the city of Salina pay and went to the bond issue to remodel the schools in Salina, to add to schools and add classrooms to the schools in Salina to lower the class sizes for our children of this city to receive a better education. Last year my son was in third grade, he had 26 students in his class. I don't feel that adding 12 apartments to a nice, calm, quiet, family residential area is going to help that problem any. My husband and I have had many opportunities, have thought several times about moving and buying different property. We haven't because of the neighborhood and the neighbors that we live in. This is not a high turnover neighborhood. Somebody drives down the street and you're looking out the window, usually we know who it is. We add an apartment complex with 12 units and the turnover rate that is going to be in those units is going to be high. Now we've already witnessed it at the apartment complex that's at the end of Corsaut, that is at the cul-de-sac of Corsaut Lane, and the duplexes also. How are we supposed to help protect our kids and protect our neighborhood when we aren't even going to know who's in and who's out of there? Ninety percent of the traffic that's going to be coming into that area now is going to be someone owning a vehicle that's going to be in those apartments that well might be there for three months, might not be. My children were raised learning how to ride their bicycle around that unique block. I could not see them go all the way around the

block as well as anybody else in a normal block in the city of Salina. But I knew that the only thing that those kids were going to incur along their ride around that block was going to be elderly people who are sitting out on the park benches from the nursing home, which those children enriched their lives, they enriched my children's lives, we'll no longer have that. I will not be able to send my grandchildren around that same block that their parents were allowed to learn how to ride their bikes around because I won't know that they will be safe, because I won't know who is living on the other side of my backyard fence. I would really hope that when you vote that you really take into consideration not just all the technicalities of everything that everyone's listed here, but of these kids. Thank you.

Ms. Johnson asked can I address the trash issue?

Mr. Simpson stated yes just a minute. If there's anyone else, if there's some new thoughts or new ideas or something that hasn't already been addressed, I would be happy to recognize you.

Jerome Wilcoxson, 2071 Lambertson Lane, stated we've been there since 1979. We bought out there because of the neighborhood, it's a nice, quiet neighborhood and everything. We enjoy the nursing home and the people and that, but parking I think would be a real issue. We had enough problems with the nursing home people parking in our driveway, in front of our house and all that, and even the employees who were supposed to be parking in the north end, and they never used the north end, they always parked on Lambertson Lane. I think it would be a shame to have apartments come in and that in our neighborhood. Thank you.

Bob Klein, 1214 Sarah Lane, stated we live directly across from the empty lot that's going to be turned into the south parking lot. The only plan I've seen is that south parking lot, their way in or way out is directly going to be across from my driveway. If you have two cars on the street I guarantee you, I can hardly get out of my driveway now turning into it. You are not going to be able to get cars going in and out of, at least 14 of them, in and out of there at any consistency. Every street there with the exception of one is a dead-end street. Shalimar Drive shows that it goes through on your city map but there's a drainage ditch there that has never had a bridge put over it. It doesn't go through it's a dead-end street. We're lucky enough we've lived there so long our kids are grown, but everybody that's expressed their concerns and my wife is extremely concerned about the grandkids. You're going to have an unbelievable amount of excess cars on dead-end streets, and those kids, it's just a matter of time somebody's going to get hit.

Mr. Simpson asked would anyone else care to address the Commission?

Tresha Hoover, 2075 Shalimar, stated I had one more thing I forgot to mention while I was up and since nobody else has come up, one of the things they talked also about was that it was completely feasible to add this apartment complex with the sewer and the utilities that were already existent and there. The manhole that goes to, I'm assuming my property and the property directly behind ours, and was "junctioned" into the nursing home property is in my backyard. Over the last 12 years I've had my backyard traipsed through and rutted and had to replant and re-sod I don't know how many times because the only access they have to that manhole is through the entire width of my property. One of the issues that we had for several years, for quite a long time with the nursing home, was that there was sewer backup quite often because of items that were accidentally or maliciously or whatever flushed in the nursing home. At one point, I'm saying probably ten years ago, the sewer was backed up and had actually also backed into the

property behind our house into their basement because of the nursing home's issues also, and I think that before anything gets to be added to that property, there needs to be some kind of survey or something done to make sure and prove that there's not going to be this problem in the future, because that was just with the nursing home, and you add 12 full functioning apartment units to that existing problem, that's my backyard also that it's going to be affecting me.

Mrs. Yarnevich asked was the manhole in your backyard when you bought your house?

Ms. Hoover stated yes.

Mr. Simpson stated okay thank you.

Scott Holt, 2061 Corsaut Court, stated I'm the house right beside that little lot nobody is for sure what they're going to do with. I would like to buy that lot if this doesn't turn out or whatever. I have a small lot and that's not quite a big lot. Both of those together would make my yard a real nice yard with a two car garage on it. So I just wanted to say that.

Mr. Simpson stated thank you.

Mark Turner, 2055 Mission Road, stated my property's straight east of the nursing home now. There are two concerns that I have right now, is if we bring in 12 apartments, let's say just for a low average let's say ten children, where are these children going to play? They're not looking at any ideas to give the children something to do. As everybody knows if you don't have stuff for children to do they get into mischief. Another concern that I do have, if they concrete each end of that property, what are we going to do with the extra runoff from rain? I believe over on Lambertson Lane down by the south end, they already get a little bit of water down there in the street on a heavy downpour. How much is that going to increase with the additional concrete? Thank you.

Ms. Larson stated I just want to add one thing. You know the people want to turn the nursing home into nice apartments and things, but things change. How can, if it was to go through, what makes it say that they're going to remain nice or they have the money to do this or do that. You know I'd like to take my daughter to Disneyland every year but I can't do it sometimes. Things happen, things change, and as for building on top, expanding the nursing home, going up, well right now they have no intent but say they sell it, the next guy might do it. I mean from what they say right now is we all have good thoughts but sometimes things change and I think everybody needs to take that into account too. Please vote no.

Mr. Simpson stated okay thank you. I'm assuming no others. Would the applicant care to address the Commission again?

Ms. Johnson stated I just wanted to let you know when they were talking about the trash issue, when the nursing home, it was closed down as is. They couldn't take anything with them. Every room was full, we had an auction to get rid of all these supplies and beds, and then we hired people to get the rest of the trash out and that's where the trash came from, it's not like an ongoing process. We are in the process of cleaning out the building. So I know their intent was to make it look like we're already trying to trash the neighborhood and that's not our purpose.

Mrs. Yarnevich asked I have just one question. The neighborhood seems to

be okay with the idea of tearing it down and putting in how many is it, eight houses, six, seven? Would it be economically feasible for you to limit this to seven apartments?

Ms. Johnson stated I'm not sure. I'm not the one who does the financial side of this. I don't know if it would or not.

Mrs. Yarnevich stated it's probably not a fair question.

Mr. Renz stated twelve is what we've been asked to show in the plan and I can't answer that.

Mr. Schneider asked what kind of tenant will you be marketing to?

Ms. Johnson stated our intent is to put high-end apartments in and Prime Property takes pride in our properties, you know the ones that we either end up selling or that we have for rentals. And if our tenants call us with any kind of problems or issues we have it fixed that day, we're not the kind of landlords that let it go for weeks. I know that the two-bedroom apartments will average about \$650 a month. We are targeting young couples or young professionals, so we weed out our tenants very seriously.

Mrs. Soderberg stated I noticed this morning when I was driving in that area that there was a bedframe and I saw that in one of the pictures that had been taken some time ago. How long has that been out there and why do those kinds of things remain?

Ms. Johnson stated I don't know why they remain. Like I said they just shut the nursing home down and we had beds, sometimes two beds in every room and we had an auction which got rid of most of the items in there, but we have two people hired right now who started yesterday and their job is to take out all this trash. They have to clear the building of all this first and we do have a truck over there and a trash bin and so as soon as the truck is full it's taken off and dumped and brought back. So it's not like it's going to be there for any length of time. This just started yesterday. At the auction the auction people took stuff outside to auction them off and they told us to wait because people weren't coming back to pick up their stuff and they said please wait, the auction people said please give them at least two weeks or more to come pick their stuff up. Finally we said, as of Monday we said, we can't wait anymore, we need to start getting this cleared out and we've hired two people to be over there to get rid of all the trash.

Mrs. Gawith stated there is one more question that I would like to address. Why do you feel the need that you had to hurry and clean it out, because as I walked by there this morning and saw all the doors and then the toilets and the sinks out there I was alarmed. I mean I thought this must be a done deal already because they're already coming in and cleaning it out. It made me think that maybe we didn't have a voice in this.

Ms. Johnson stated well it's still our building. I mean regardless of what happens to it we don't want that in there.

Mrs. Gawith asked so you could tear it down yet?

Ms. Johnson stated well that wasn't our intent because financially that would ruin us.

Mrs. Gawith stated it looks to me like eight houses at \$140,000 each, that's \$1,120,000, that sounds like a profit to me.

Ms. Hoover stated one of the other things that they had mentioned was that, and it just totally left my brain, that's short, that tells you how much I work with kids. The comment was brought up about the increase in concrete with the parking at both ends also, which does raise more issues about the drainage. The drains for that area are centered around my intersection right there which is one of the two accesses into that property. As a matter of fact last week when it stormed so bad the water rises, I've had the water, the highest I've had the water on my property has been to about a foot from my garage door, okay that's quite a ways from the intersection and that's just with the drainage and everything that's there right now. That's with having dirt at both ends of that property. My house is the only house in that area that's in the flood plain. That whole area used to be in the flood plain. The one reason that my house is in that flood plain still is because of a technicality on the form and I can't have it removed. But if it was once in the flood plain and it still floods and it's still getting within a foot of my house, I think that having that much concrete added to both ends of that property would also increase that.

Mr. Simpson stated thank you. Did you wish to make a comment? Anyone else? Okay we'll bring the matter back to the Commission for discussion and action.

Mr. Mikesell stated Dean I have a question. A lot of letters dealt with the drainage issues. Is there anything known and quantitative regarding the drainage in that area?

Mr. Andrew stated well I think one thing that we're dealing with is the fact what we focused on today was the land use issue, what's the most appropriate use and zoning of this property. If there was an inclination to direct that this be converted to a planned development district then we would have a specific plan that we would be responding to and reporting on, and we would address that at that time. So again, what we have in front of us is conceptual but not binding, so if the inclination was to have something that was binding through a planned development district then we would analyze that plan thoroughly and look at the drainage implications. The way this area was developed, because it was platted in the late 1950's, there was no detention or any type of requirements like that that were in place or would be in place today, but it certainly, anytime we review a specific site plan, that would be something that Brad and his group would look at is that drainage pattern, the sizing of existing facilities, what direction we want parking lots to drain or be directed. So that would be done as part of any thorough site plan review. We didn't feel like we were at that stage yet at this point in time because it's really more of a land use decision, should this building be adaptively reused for some purpose and for what?

Mrs. Soderberg asked Mr. Chairman it seems to me that this is kind of a question of the balancing of property rights here, and for most people I think the investment that they make in their home is probably the largest investment that they make in their life. And I think there is a certain right to reasonable expectations when you buy your property, and in a neighborhood, and I think that's what these people have done and I kind of applaud them for pulling together as a neighborhood and having a common vision. On the other hand, I think that when Prime Property bought this piece, that they had to have had some kind of reasonable expectation that there is a risk that what they wanted to do in this neighborhood had to go through just what we're going through right now. So I guess if I have to err on one side or the other on property owners, it would be with the homeowners, and so I'm going to float this and see how far I get.

MOTION: Mrs. Soderberg stated I would move that we deny the request to zone this property to R-3.

SECOND: Mrs. Bonilla-Baker

Mr. Simpson stated okay it's been moved and seconded that the application be denied I guess.

Mrs. Yamevich asked may I ask a question? That was denial of the R-3, did that also included denial of any planned development district?

Mrs. Soderberg stated that's denial of R-3. I have a feeling about the other as well.

Mr. Schneider stated one thing, I had just recently rented a two bedroom apartment for \$675 a month in a ten unit complex, and the picture that I painted of these units is like it's some kind of terrible place to be and where I lived it wasn't terrible at all. It was very quiet and nice, very well-kept, good neighbors. I don't think you know all apartment buildings have to be bad, it depends a lot on who owns them and how they're managed and how they're run, so it's a little sad to think here in Salina that we think any kind of apartment building with ten people is necessarily bad, you know? I don't think all of our neighbors are that way. We don't always get to pick and choose who we live by, but I mean I think there's a lot of control in how it's fixed up, how it's kept care of, how you sort out who you allow to live in there and it doesn't necessarily mean they would be bad neighbors.

Mr. Simpson stated I also think just from a personal standpoint, with Jones-Gillam, if they have anything to do with this it's going to be a quality project. I don't think, you know they talk about building issues and everything, it'll be built properly, it'll be done right, it'll look good. I think a lot of concerns about drainage and stuff, maybe that will be better when it's done versus worse. With the City staff the way they are, they do an excellent job of controlling all of that nowadays. I think some of those issues will be better after than they are at this point. I think I would also oppose the R-3, but I would certainly be willing to listen to a planned development district where we had specifics of what was going to be done, meaning infrastructure, rehabilitation, whatever, what assurance that is to the owners of the property, but that would be my position.

Mr. Ritter stated I think there are just too many variables here that someone commented earlier, "what's okay now but what's going to happen in the future if it's R-3?" Now, who knows?

Mr. Simpson asked and Dean could you clarify that on the planned development district? If we agree to a certain, say we agree to something that is primarily single-story, is there any accountability down the road?

Mr. Andrew stated well a future buyer couldn't go in there and alter anything, they couldn't add a second story, they couldn't add units, they couldn't add physically to the building without a public hearing and coming back before this body. The planned development district basically limits it to what it is today and what you decide it should be in terms of the number of units and parking, how that's arranged and all. The implications of the motion that's on the table right now would be a recommendation of denial. That recommendation would go to the City Commission, that the application be denied outright. So that is the motion that is on the table and it would go as

a recommendation to the City Commission. So the way I'm interpreting the motion, it doesn't involve the PDD option, it's recommending Option 5.

Mr. Simpson stated last question, those in favor of the motion to deny the application indicate by saying aye. Opposed?

VOTE: Motion carried (8-0).

Mr. Simpson stated the application is denied.

Item #5. Application #Z06-6, filed by Chuck Arnold, dba Super Wash and Detail, requesting an amendment to Article VI, Division 14, Section 42-302 by adding car washes as permitted use in the C-4 (Central Business) district.

Mr. Andrew presented the staff report which is contained in the case file.

Mrs. Yarnevich stated Dean they opened the car wash without notifying anyone, without checking into the zoning?

Mr. Andrew stated well because they were just using the existing building and there was not any kind of permit or anything required to put the mud pit in, the use of the building kind of just modified over time from a taxi dispatch office, to limousine service, to detailing, and then to car washing. So there weren't any building permits or anything that would necessarily give us an opportunity to visit with them about their planned use of the property. It just started operating and that's when it was brought to our attention and we focused our attention on it.

Mr. Schneider asked well what are the geographic limits of downtown in the definition?

Mr. Andrew stated well essentially the downtown business improvement district extends from Prescott on the south up to Elm. The C-4 district is more limited, it really starts pretty much at Mulberry and goes over to Fifth and Fourth, and then over to Eighth Street and north up to Elm. The City-County Building is in the C-4 district. The Paramount that we discussed at our last meeting is in the C-4 district. The C-4 boundary essentially goes up to Elm and down to Mulberry, and then from Fourth to Eighth.

Mr. Mikesell asked Dean is this something that could be handled with a Conditional Use Permit?

Mr. Andrew stated well we couldn't do it today because it's not listed at all, but that would certainly be an option. In Option 2 that we've noted there, when we had the discussion, I think it was back in 1999, about having automobile sales lots or used car lots, there was some thought that well it's okay on the fringes of downtown but not on Santa Fe, and so one advantage of the Conditional Use Permit or conditional use listing is that you can have acceptable and non-acceptable locations within the same district. So that is certainly an option.

Mrs. Soderberg asked so if we don't mind having this one, but we'd rather it not be on Santa Fe and Iron, then Option 2?

Mr. Andrew stated I think that's simpler than Option 3 because it's fairly unusual to be street specific or sub-area specific within a zoning district, but

either 3 or 2 could serve that purpose of saying that it might be okay but not in the core on Santa Fe.

Mr. Simpson asked now is this property home free based on their current operation? You've mentioned some other problems with parking and outdoor activity.

Mr. Andrew stated yes I think we have some more work just like we would with anybody else in terms of having their operation be in compliance, but of course the big thing is that it's a use that's not listed at all, and it would be the same situation we would have if we had a vacant lot downtown and a car lot sprung up and you didn't talk with anybody, then we'd be in the same situation. So we just think you should take whatever action you think is the best interest of the downtown area and we'll work with this. Mr. Arnold who operates it is not the owner of the property but we will work with him on his particular site, but we just would want some direction from you as to what you think's appropriate for the downtown area.

Mrs. Yarnevich stated it concerns me that someone can just open a business without checking into the fact if it's permitted in that area or not, and then we just say, "well okay you can do that but nobody else can."

Mr. Andrew stated yes I think there's two ways to look at that. Some people think that's pretty good because you can change out tenants and change out businesses and buildings and the City has no involvement in that. If somebody takes an office and turns it into a restaurant or they're doing physical changes to a building that require a building permit, then we have the opportunity to look at the use and all of that, but if you just have a building that's either empty or that's just changing tenants, they don't always ask first. It is a business district so I don't think it's completely unreasonable, but it is something given its location we soon became aware of because of the questions about the outdoor washing.

Mrs. Yarnevich stated I really don't have any objection to that particular car wash.

Mr. Simpson stated yes it would be nice to have a car wash downtown. What's your pleasure?

MOTION: Mr. Mikesell stated I move that we accept Option 2.

SECOND: Mr. Schneider

Mr. Simpson stated I didn't ask for a public comment, there's not much public left. Wayne, would you like to talk about car washes? Alright, those in favor say aye. Opposed?

VOTE: Motion carried (8-0).

Item #6. Request filed by Patrick Toth, dba Kansas Quick Lube, requesting approval of an amendment of the conditions of approval in Ordinance No. 04-10229 rezoning property from PC-2 (Planned Neighborhood Shopping) district to PC-3 (Planned Shopping Center) district. The subject property is legally described as Lot 1 and a portion of Lot 2, Block 2 of the Brock Addition to the City of Salina, Saline County Kansas and addressed as 1930 South Ohio Street.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Andrew stated one thing that we do when we get a request for a sign permit is we ask the sign contractor or the owner to give us an inventory of existing signs on the property and we take that square footage or number and compare that to what the property can have. So when the request came in to add the monument sign, that's when we became aware of the sign on the backside of the building.

Mrs. Soderberg asked so if this were rezoned, I guess we're rezoning?

Mr. Andrew stated well it has been rezoned. Like I said it was probably unrealistic on our part that we essentially allowed a C-3 use to go in there but we recommended keeping the signage as if it were C-2 to be consistent, and I don't think that's realistic.

Mrs. Soderberg asked okay, but if this were, if we decided on C-3 signage, could additional signs, those that are present and a monument sign as well, could additional signs then be placed as well?

Mr. Andrew stated it would be limited to the one monument sign but it would be possible for additional wall signage to go up because it's based on square footage in C-3.

Mrs. Soderberg stated I guess it bothers me that decisions were made by the Planning Commission and then by the City Commission based on, it was very clear what the signage conditions were for C-2, and then it seems to me like now the situation is, they've got the sign there in the front, they've got the sign there in the back, they want to add the monument sign and so let's just change this now to C-3 when the decision originally was made for I assume a good reason, that the character of this strip was more C-2-like. You go down there and Wendy's sign isn't as in your face as this one. I mean you can tell it is Kansas Quick Lube without turning your head.

Mr. Schneider stated but I thought they said that this did not meet C-2 qualification for use so they over-rode it to put this in in the first place. They brought the plan in with those signs, with that building. I remember seeing the pictures and everything when it came in here.

Mrs. Soderberg stated but not on the back.

Mr. Schneider stated I'm not going to say that or not, but I mean we had a picture of what the building was going to look like because we were trying to decide if that really fit the neighborhood or not, and it looked basically like it is.

Mrs. Soderberg stated but you stipulated C-2 so that there wouldn't be more signs.

Mr. Schneider stated we really over-rode C-2 to allow this building in on a C-2 zoned lot.

Mrs. Yarnevich stated no, well we didn't realize maybe the sign was on the back but even if we did make a mistake in allowing them to have that much signage, we'd only be adding to it to give them another one, right?

Mr. Schneider stated I'm not saying we made a mistake, I'm saying we allowed him to build the building that he brought forward on that site and all he's done is put the building that we saw on that site. I mean I would be more inclined to say we'll allow him to leave it like it is and add the monument sign and just leave it at that. Is that an option on this Dean?

Mr. Andrew stated well a third option could be somewhere in between. It would just be to amend the condition instead of having the condition as it reads today limited to one monument sign and wall signs in accordance with the regulations governing this C-2 district. What we do in most of the commercial districts is we limit the sign area, we don't limit the number of signs, but certainly one option would be to have an amendment that says they can have one monument sign and two wall signs and that would basically allow everything to remain in place but not add anything more. If you had a wall sign as shown on the front of the building and at the rear, then they would be basically limited to the building signage that they have plus the monument sign, and I think we put the proposed monument sign in your packet.

Mrs. Yarnevich asked so those two Pennzoil signs are considered one sign with the name of the business?

Mr. Andrew stated it would be associated with the Quick Lube sign on the front. Our thoughts from a staff standpoint were maybe well intentioned but maybe not realistic. This is an automotive service business and while they do have a good amount of signage facing Ohio, I don't think what they're doing is out of character with what you would see with other automotive service businesses, and it was probably not realistic on our part to try and link them with the businesses to the north instead of seeing it as more like Wendy's.

Mrs. Yarnevich stated well Wendy's has a corner lot. Did that make any difference here?

Mr. Andrew stated well this is a corner lot also.

Mrs. Yarnevich stated it is? Okay. So if they are allowed to put up a monument sign in addition to all of the other signs that they have up, does that open doors for lots of sign requests?

Mr. Andrew stated I don't think so and we don't really know what's going to happen on the rest of these lots farther to the west, I mean they won't have Ohio frontage. I don't think they'll be attractive for retail-type businesses or businesses that depend on traffic. So I think the middle ground would be to essentially approve the wall or business signage that they have today, limit them to two wall signs without regard to square footage, and then the monument sign was already approved back when the original site plan was approved. So that would essentially limit them to the signs that they have today. Our dilemma was by our calculation they can have 117 square feet of signage and they already had 164 square feet on the building, so we had to take note of that and do something to either endorse that or deal with the signs on the back.

Mrs. Soderberg asked how many square foot footage of signs does Wendy's have?

Mr. Andrew stated I don't think I could say for sure but I think it's probably more than that total because of what they do with their building signage, and their pole sign on Ohio is pretty good size in terms of square footage. So I think you saw the sign that was proposed as a monument sign and it's about 30 square feet and it is a ground sign. That would be consistent with what is up and down Ohio also.

Mrs. Soderberg asked where is that or did I just not see it? Was it in our

packet?

Mr. Andrew stated we had placed that individually in your packets.

MOTION: Mr. Funk stated Mr. Chairman I can live with what Dean was saying. So whatever he said I would like to make a motion.

Mr. Simpson stated he said a lot. Option number 1 is essentially what your recommending.

Mr. Andrew asked or are you looking for the middle ground?

Mr. Simpson asked to go with an additional monument sign is that right?

SECOND: Mr. Schneider

Mr. Simpson stated it's moved and seconded. Any further discussion? Those in favor indicate by saying aye. Opposed?

VOTE: Motion carried (7-1). (Soderberg)

Item #7. Other matters.

Mr. Andrew stated just in relation to the item on the rezoning case, what that would do is it would go to the City Commission with a recommendation for denial. They would have the option, if the applicant say went to the City Commission and said, "give us a chance to do a planned development district." The City Commission would have the option of offering that. Something similar happened in the case of the Eaglecrest retirement community where their initial plan was recommended for denial and they asked the City Commission for a chance to go back to the drawing board, and that ended up coming back to the Planning Commission later in a different format. So that is a possibility, but that will go to the City Commission with a recommendation for denial. What we discussed with the third floor bar downtown, is rather than keep tabling it to meetings and then not actually conducting the hearing, is that we will see when they have addressed the primary issue that we are focusing on which is just the interchange, the free flow of people between the second and third floor and some fire safety issues related to that, once those have been worked through we will re-notify interested parties and nearby property owners and advertise that hearing again and give you ample notice of when that date is also. That would have maybe been scheduled for the 18th but I don't know that it's going to be the case. We have some interest based on last night in looking at what I would call overlay districts or gateway overlay districts for the North Broadway corridor where the street, there are plans to redo that and turn it into a three-lane street and resurface that and to reconfigure some of the intersections. Then also there was a discussion about the enhancements on the North Ohio overpass and looking at some sort of gateway overlay district for North Ohio where you might say well it's okay to have industrial development here but we would like to see paving and we would like to see landscaping and some buffering, and so what an overlay district does is allow you to have industrial-type uses but have a higher standard for what that development looked like from the street. So with your permission we would like to bring back some ideas for overlay districts for those two areas on the 18th. That would probably be the only item for that meeting, and then we've had some discussions with applicants who are all aiming for the June 30 filing date which is for the August 1 Planning Commission hearing, so I do believe we'll have items scheduled for that meeting as well. We obviously won't meet on the 4th and on the 18th we will just have the discussion about

Planning Commission Minutes
June 20, 2006
Page 24

those gateways. Then we don't have anything else scheduled at this time.
That's all we've got for this evening.

Mr. Simpson stated very good. Anything else?

There being no further business the meeting adjourned at 6:20 p.m.

Dean Andrew, Secretary

ATTEST:
